



**HAND CARRY**

Docket No. 1963-7422US1

2175  
#6  
10/5/03  
Ans.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Hennessey

Serial No.: 10/014,470 ✓

Filed: December 14, 2001

For: A REAL-TIME "GARBAGE COLLECTOR"

Group Art Unit: 2175

Examiner: C. Rones

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**COMMUNICATION REGARDING SUBMISSION  
OF ASSOCIATE POWER OF ATTORNEYS**

**Technology Center 2100**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached are two Associate Power of Attorneys naming Brian W. Brown, John E. Hoel, Joseph C. Redmond, Jr., John D. Flynn and Gregory M. Doudnikoff, giving full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the United States Patent and Trademark Office in connection therewith.

Respectfully Submitted

Morgan & Finnegan, LLP

Date: Sep 23, 2003

By: \_\_\_\_\_

Brian W. Brown  
Attorney for Applicant  
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**CORRESPONDENCE ADDRESS:**  
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**ASSOCIATE POWER OF ATTORNEY**

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**SEP 24 2003**

**Technology Center 2100**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


Sir:

Please recognize Brian W. Brown (Reg. No. 47,265) as an Associate Attorney in the above-identified application, with full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the United States Patent and Trademark Office in connection therewith.

Respectfully Submitted

Morgan & Finnegan, LLP

Date: 9/22/03

By:   
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#7 2175



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : HENNESSY  
Serial No. : 10/014,470 Art Unit : 2175  
Filed : December 14, 2001 Examiner : C. Rones  
For : A REAL-TIME "GARBAGE COLLECTOR"

**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

**Mail Stop**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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OCT 01 2003

Technology Center 2100

Sir:

Applicant hereby requests that the holding of abandonment in the above-identified application be withdrawn on the basis that Applicant did not receive the Office Action mailed October 1, 2002. In addition, Applicant requests that the October 1, 2002 Office Action be re-mailed and the time period for response thereto be restarted. No petition fee is believed to be required.

**DISCUSSION**

On May 6, 2003, the United States Patent and Trademark Office (USPTO) mailed a Notice of Abandonment (PTO-1432). The Notice of Abandonment stated that the above-identified application became abandoned on the basis of "Applicant's failure to timely file a proper reply to the Office letter mailed on 01 October 2002." As further discussed below,

Applicant did not receive the October 1, 2002 Office Action.

Section 711.03(c) of the MPEP states, in part, that:

“The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket records where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner’s statement.”

The undersigned hereby states that the Office Action mailed October 1, 2002 has, to date, not been received. The undersigned further states that a search of the file jacket and docket records for this application indicates that the October 1, 2002 Office Action has not been received. A copy of the docket record is attached, as Exhibit A, showing where the October 1, 2002 Office Action would have been indicated had it been received and docketed.

### CONCLUSION

On the basis of the above discussion and attached documentary evidence (Exhibit A), Applicant requests that (1) the holding of abandonment in the above-identified application be withdrawn on the basis that Applicants did not receive the Office Action mailed October 1, 2002, (2) the October 1, 2002 Office Action be re-mailed, and (3) the time period for response thereto be restarted.

**AUTHORIZATIONS**

The Commissioner is hereby authorized to charge any fees which may be required for the consideration of this paper, or credit any overpayment, to Deposit Account No. 13-4503, Order No. 1963-7422US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Date: September 29, 2003

By: 

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